

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JULIAN QUINONES, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

FREQUENCY THERAPEUTICS, INC.,
DAVID L. LUCCHINO, and CARL LEBEL,

Defendants.

Civil Action No. 1:21-cv-10933-WGY

Oral Argument Requested

**DEFENDANTS' MOTION TO DISMISS THE
CONSOLIDATED CLASS ACTION COMPLAINT**

Pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, and the Private Securities Litigation Reform Act of 1995 (“PSLRA”), Defendants Frequency Therapeutics, Inc., David Lucchino, and Carl LeBel hereby move, by and through their undersigned attorneys, for an order dismissing with prejudice the Consolidated Class Action Complaint (Dkt. No. 29) filed by Plaintiff in the above-captioned action. As ground for this motion, Defendants state as follows:

1. *First*, Plaintiff fails to plead a claim for violation of Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder (Count One). Plaintiff has not pled with the particularity required by the PSLRA that any statement by Defendants was materially false or misleading. Nor has Plaintiff pled with particularity facts supporting a strong inference of scienter, *i.e.*, one that is cogent and at least as compelling as any opposing inference of non-fraudulent intent.

2. *Second*, because Plaintiff has failed to plead a viable claim under Section 10(b), his claim for “control” person liability under Section 20(a) (Count Two) must necessarily fail as well.

WHEREFORE, Defendants respectfully request that the Court dismiss the Consolidated Class Action Complaint with prejudice and award such further relief as is just.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Defendants respectfully request to be heard at oral argument on their motion to dismiss.

Dated: July 15, 2022

Respectfully submitted,

/s/ William J. Trach
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Attorneys for Defendants

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), I hereby certify that counsel has conferred in a good faith effort to resolve or narrow the issues raised in this motion. Plaintiff opposes the relief requested in this motion.

/s/ William J. Trach
William J. Trach

CERTIFICATE OF SERVICE

I hereby certify that this document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing (“NEF”) and paper copies will be sent on July 15, 2022 to those identified as non-registered participants.

/s/ William J. Trach
William J. Trach